

CRAIG A. BURNETT, ESQ. ID. #118907
LAW OFFICES OF C. BURNETT
537 FOURTH STREET, SUITE A
SANTA ROSA, CALIFORNIA 95401
Telephone: (707) 523-3328
Fax: (707) 523-3082
Email: cburnett@nomoredebt.com

Attorney for Movant

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:)	Case No. 16-10102
)	Chapter 7
NELSON ADRIAN LOPEZ,)	
)	MOTION FOR RELIEF FROM AUTOMATIC
)	STAY [11 U.S.C. § 362(d)]
)	
)	
SSN: xxx-xx-7036,)	Date: 3/10/16
)	Time: 1:30 p.m.
)	Place: U.S. Bankruptcy Court
Debtor(s).)	99 South E Street
)	Santa Rosa, CA 95404

TO DEBTOR AND HIS ATTORNEY, IF ANY; CHAPTER 7 TRUSTEE LINDA GREEN; U.S. TRUSTEE; AND ANY OTHER PARTY IN INTEREST:

Movants Donald and Rosario Driver (“Movants”), through their counsel of record, Craig A. Burnett, file this Motion for Relief from Automatic Stay (the “Motion”) and shows as follows:

I. RELIEF REQUESTED

The Movants request that the Court grant relief from the automatic stay pursuant to Section 362(d) of the Bankruptcy Code [11 U.S.C. § 362(d)], to allow them to proceed in the Sonoma County Superior Court in that certain lawsuit captioned *Donald Driver and Rosario Oliver Driver v. Adrian Lopez, Lisbet Lopez, aka Lisbet Gonzales, et al*, Case No. MCV-235318, to take all actions available under applicable law with respect regaining possession of their property located at 21 Rancho Drive, Space 21, Sonoma, California 95476, County of Sonoma (the “Property”), and to otherwise proceed against all other non-debtor defendants for resulting damages.

II. MOTION

1. On February 18, 2016, the debtor, Nelson Adrian Lopez (the “Debtor”), filed his voluntary petition commencing the above-captioned Chapter 7 bankruptcy case.

2. Movants are the owners of the Property in which debtor and his spouse are tenants/occupants—a manufactured home located at 21 Rancho Drive, Space 21, Sonoma, California 95476, County of Sonoma.

3. On or about August 18, 2013, Movants and debtor, along with debtor's spouse, entered into a lease option agreement thereby creating a tenancy on the Property. A true and correct copy of "Lease with Purchase Option" is attached as **Exhibit A** to the declaration of Donald Driver, filed herewith.

3. A dispute has arisen regarding this tenancy, and Movants initiated an Unlawful Detainer proceeding against the tenants, of which debtor is one, to regain possession of the Property. That lawsuit is captioned *Donald Driver and Rosario Oliver Driver v. Adrian Lopez, Lisbet Lopez, aka Lisbet Gonzales, et al*, Case No. MCV-235318, a true and correct copy of which is attached as **Exhibit B** to the declaration of Donald Driver, filed herewith.

4. Debtor filed an Answer to the Unlawful Detainer complaint, and the matter was set for trial on February 19, 2016, when debtor abruptly filed the instant skeletal Chapter 7 bankruptcy case. Debtor did not list Movants in his skeletal filing.

5. Cause exists to grant relief because Movants are not adequately protected, and the property is not necessary to an effective reorganization, 11 U.S.C. § 362(d)(1) and (2)(A)&(B).

WHEREFORE, the Movants respectfully request that the Court:

1. Grant the Movants relief from the automatic stay in order to take any and all acts available to them under applicable non-bankruptcy law with respect to regaining possession of the Property and to proceed against all other non-debtor defendants in the state court;

2. Waive the 14-day stay described by Bankruptcy Rule 4001(a)(3); and

3. Grant the Movants such other and further relief, at law or in equity, to which they may be justly entitled.

Respectfully submitted,

Date: 2/24/16

/s/ Craig A. Burnett
Craig A. Burnett, Attorney for Movants
Donald and Rosario Driver